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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR THE ELABORATION OF AN INTERNATIONAL
CONVENTION TO COMBAT DESERTIFICATION IN
THOSE COUNTRIES EXPERIENCING SERIOUS
DROUGHT AND/OR DESERTIFICATION,
PARTICULARLY IN AFRICA
Fourth session
Geneva, 21-31 March 1994
Agenda item 2

ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION PARTICULARLY IN AFRICA

Revised Negotiating Text of the Convention as of 29 March 1994

CONVENTION ON COMBATING DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

The Parties to this Convention,

1. Affirming that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought,

2 Reflecting the urgent concern of the international community, including States and organizations, about the adverse impact of desertification and drought,

3. Aware that arid, semi-arid and dry sub-humid areas together account for a significant proportion of the Earth's land area and are the habitat and source of livelihood for a large segment of its population,

4. Acknowledging that desertification and/or drought are problems of global dimension in that they affect all regions of the world and the need for joint action of the international community to combat desertification and/or mitigate the effects of drought,

5. Noting the high concentration of developing countries, notably the least developed countries, among countries experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

6. Noting also that desertification is caused by complex interactions among physical, biological, political, social, cultural and economic factors,

7. Considering the impact of trade and relevant aspects of international economic relations on the ability of affected countries to combat desertification adequately,

8. Conscious that sustainable economic growth, social development and poverty eradication are priorities of affected developing countries, particularly in Africa, and are essential to meeting sustainability objectives,

8.bis [Acknowledging that special attention should be given to problems of combating desertification and mitigating the effects of drought in countries with economies in transition, and recognizing that these countries are facing unprecedented challenges in transforming their economies, in some cases in the midst of considerable social and political tension,]

9. Mindful that desertification and drought affect sustainable development through interrelationships with important social problems such as poverty, poor health and nutrition, lack of food security, migration, displaced persons and demographic dynamics,

10. Appreciating the significance of the past efforts and experience of States and international organizations in combating desertification and mitigating the effects of drought, particularly in implementing the United Nations Plan of Action to Combat Desertification which arose from the 1977 United Nations Conference on Desertification,

11. Realizing that, despite efforts in the past, progress in combating desertification and mitigating the effects of drought has not met expectations and that a new and more effective approach is needed at all levels in the framework of sustainable development,

12. Recognizing the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its Chapter 12, which provide a basis for combating desertification,

13. Recalling General Assembly resolution 47/188, particularly the priority it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

14. Recalling the Rio Declaration on Environment and Development which states, in its Principle 2, that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

15. Recognizing that national Governments play a critical role in combating desertification and mitigating the effects of drought and that progress in this respect depends on local implementation of action programmes in affected areas,

16. Recognizing also the importance and necessity of international cooperation and partnership in combating desertification and mitigating the effects of drought,

17. [Reaffirming the international community's commitment to work in order to attain the accepted United Nations target of allocating 0.7 per cent of Gross National Product to Official Development Assistance,]

17.bis [Recognizing that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,]

18. Stressing the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought,

19. Emphasizing the special role of non-governmental organizations and other major groups in programmes to combat desertification and mitigate the effects of drought,

20. Bearing in mind the relationship between desertification and other environmental problems of global dimension facing the international and national communities,

21. [Bearing also in mind the contribution that combating desertification can make to achieving the objectives of the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change and other related environmental conventions,]

22. Believing that strategies to combat desertification and mitigate the effects of drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge, and continuously re-evaluated,

23. Recognizing the urgent need to improve the effectiveness and coordination of international cooperation to better facilitate the implementation of national plans and priorities,

24. Determined to take appropriate actions in combating desertification and mitigating the effects of drought for the benefit of present and future generations,

Have agreed as follows:

PART I

INTRODUCTION

Article 1

Use of terms

1. For the purposes of this Convention:

(a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;

(b) "land" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;

(c) "land degradation" means reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:

(i) soil erosion caused by wind and/or water,

(ii) deterioration of the physical, chemical and biological or economic properties of soil, and

(iii) long-term loss of natural vegetation;

(d) "arid, semi-arid and dry sub-humid areas" means areas, other than polar and sub-polar regions, in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;

(e) "combating desertification" includes activities which are part of the integrated development of land in arid, semi-arid and dry-sub-humid areas for sustainable development that are aimed at:

(i) prevention and/or reduction of land degradation,

(ii) rehabilitation of partly degraded land, and

(iii) reclamation of desertified land;

(f) "drought" means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalance that adversely affects land resource production systems;

(g) "mitigating the effects of drought" means activities related to the prediction of drought and intended to reduce the vulnerability of society and natural systems to drought as it relates to combating desertification;

NOTE BY THE SECRETARIAT: THE ISSUE OF CATEGORIES OF COUNTRIES REMAINS TO BE DECIDED.

[(h) "affected areas" means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;]

(i) "affected countries" means countries whose lands include, in whole or in part, affected areas;

[(j) "Other Parties in a position to provide assistance" means Parties other than the developed country Parties and any regional integration organization which can provide on a voluntary basis, knowledge, know-how and techniques related to desertification, and/or financial resources, to affected developing country Parties;]

(k) "regional economic integration organization" means an organization constituted by sovereign States of a given region [or subregion] which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention.

[2. The Conference of the Parties shall periodically review the glossary.]

Article 2

Objective

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective actions at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective shall involve long-term integrated strategies which focus simultaneously, in affected and threatened areas, on improved productivity of lands, rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

[Article 3]

Principles

In order to achieve the objectives of this Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

[(a) the Parties should, in all programmes of international cooperation to combat desertification and mitigate the effects of drought, respect both national sovereignty and their obligations relating to transboundary relations pursuant to international law;]

[(a) States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond national jurisdiction;]

(b) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels;

(c) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at subregional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;

(d) the Parties should develop, in a spirit of partnership, cooperation among all levels of Government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use;

(e) The Parties should take into full consideration the special needs and circumstances of affected developing country Parties, particularly the least developed among them.]

PART II

GENERAL PROVISIONS

Article 4

General obligations

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements, or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

(a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;

(b) give due attention, within the relevant global and regional bodies, to the situation of affected developing countries with regard to international trade, marketing arrangements and debt with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development;

(c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;

(d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;

(e) strengthen subregional, regional and international cooperation;

(f) cooperate within relevant intergovernmental organizations; and

(g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication.

[(h) develop financial mechanisms that provide for new and additional resources to affected country Parties in combating desertification and mitigating the effects of drought.]

Article 5

Obligations of affected country Parties

1. In addition to their obligations in accordance with Article 4, affected country Parties undertake to:

(a) give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their conditions and capabilities;

(b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;

(c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;

(d) promote awareness and facilitate participation of local populations, particularly women and youth, with the support of non-governmental organizations, in efforts to combat desertification and mitigate the effects of drought; and

(e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, establishing new laws, long-term policies and action programmes.

2. Affected developed country Parties are not entitled to receive assistance in the form of financial resources under the terms of this Convention for activities they undertake to combat desertification.

Article 6

Obligations of developed country Parties [and others Parties in a position to provide assistance]

In addition to their obligations set out in Article 4, developed country Parties [and others Parties in a position to provide assistance], undertake to:

(a) actively support [,individually or jointly,] the efforts of affected [developing] country Parties [needing assistance], particularly those in Africa and the least developed countries, to combat desertification and mitigate the effects of drought; and

(b) [promote access to, and provide, financial resources and facilitate access] [facilitate access to financial resources and] to appropriate knowledge, know-how and technology, and/or other forms of support to assist affected [developing] country Parties [needing assistance], particularly those in Africa, to effectively develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought.

[(c) allocate, in accordance with Agenda 21, 0.7 per cent of Gross National Product to Official Development Assistance.]

Article 7

Priority to Africa

In implementing the provisions of this Convention, the Parties shall give priority to affected African countries, in the light of the particular situation prevailing in this region, while not neglecting other affected [developing] regions. This priority shall also apply in the context of implementing the Regional Implementation Annex for Africa[.] [and in] [To that end, special attention should be paid to [ensure]] the provision of financial resources, technical assistance or other forms of support to assist affected African countries in the implementation of local, national, subregional and/or regional action programmes.

Article 8

Relationship with other Conventions

1. The Parties shall encourage the coordination of activities carried out under this Convention and, if they are parties to them, under other relevant international agreements, particularly the United Nations Framework Convention

on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements concerned.

[2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or global agreement into which it has entered prior to the entry into force of this Convention for it.]

PART III

ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL COOPERATION AND SUPPORTING MEASURES

Section 1: Action programmes

Article 9

Basic approach

[1. In carrying out their obligations pursuant to Article 5, affected [developing] country Parties [needing assistance] shall prepare, make public, and implement national action programmes, building to the extent possible on existing relevant successful plans and programmes, and, as appropriate, subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated at intervals to be decided by the Conference of the Parties.] Or

[1. In carrying out their obligations pursuant to Article 5, affected developing country Parties, and those developed country Parties which voluntarily agree to do so, shall initiate and/or pursue a participatory process for the development of national action programmes, and, as appropriate, subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Those will be made public and build to the extent possible on existing relevant successful plans and programmes. Such programmes shall be updated through the continuing participatory process on the basis of lessons from field action, as well as the results from research, at intervals to be recommended by the Conference of Parties. This process of preparing national action programmes shall be closely interlinked with other efforts to formulate national policies for sustainable development.]

2. Developed country Parties [and other Parties in a position to provide assistance] shall support [,as mutually agreed, individually or jointly and upon request,] affected [developing] country Parties [needing assistance], [particularly those in Africa,] in this process, either directly or through appropriate intergovernmental organizations, or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant international organizations, academic institutions, the scientific community and non-governmental organizations in a position to cooperate, in accordance with their mandates and capabilities, to support the elaboration, implementation and follow-up of action programmes.

Article 10

National action programmes

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.

2. National action programmes shall specify the respective roles of government, local communities and land users as well as the resources available and needed. They shall, inter alia:

(a) incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;

(b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;

(c) give particular attention to the implementation of preventive measures for lands that are not yet degraded, or which are only slightly degraded;

(d) enhance national climatological, meteorological and hydrological capabilities and the means to provide for and apply drought early warning;

(e) promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;

(f) provide for effective participation at local, national and regional levels by non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, implementation and review of national action programmes; and

(g) require regular review of, and progress report on, implementation of the programmes.

3. Taking into account the conditions and requirements specific to each affected country Party, national action programmes include, as appropriate, inter alia, measures in some or all of the following priority fields as they relate to combating desertification and mitigating the effects of drought in affected areas and to their populations: promotion of alternative livelihoods

and improvement of national economic environments with a view to strengthening programmes aimed at the eradication of poverty and at ensuring food security, sustainable management of natural resources, sustainable agricultural practices, development and efficient use of various energy sources, institutional and legal frameworks, strengthening of capabilities for assessment and monitoring, including hydrological and meteorological services, and capacity building, education and public awareness.

Article 12

Subregional and regional action programmes

Affected country Parties shall consult and cooperate to prepare, as appropriate, in accordance with relevant Regional Implementation Annexes, subregional and/or regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of Article 10 shall apply mutatis mutandis to subregional and regional programmes. Such cooperation [may] include agreed joint programmes for the sustainable management of transboundary [natural] resources, scientific and technical cooperation, and strengthening of relevant institutions.

[Article 14]

Measures to mitigate the effects of drought

[Affected country Parties needing assistance] [Affected developing country Parties] may include in their action programmes, inter alia, some or all of the following measures to prepare for and mitigate the effects of drought as a natural phenomenon:

(a) establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities as well as joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons;

(b) strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to inter-annual climate predictions;

(c) establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;

(d) establishment of other alternative livelihood projects that could provide incomes in drought prone areas; and

(e) development of sustainable irrigation programmes for both crops and livestock.

[(f) support for programmes in the field of cloud seeding to increase rainfall in drylands;]

Article 14 bis

International cooperation

Affected country Parties, in collaboration with other Parties and the international community, should cooperate to ensure the promotion of an enabling international environment in the implementation of the provisions of the Convention together with the Regional Implementation Annexes. Such cooperation should also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.

Article 15

Support for the elaboration and implementation of action programmes

[Developed country Parties] [Developed country Parties and other Parties in a position to provide assistance] [Parties in a position to provide assistance] shall, as mutually agreed, support the action programmes of [developing] country Parties [needing assistance], both bilaterally and through competent intergovernmental organizations, through financial, technical and other forms of cooperation as provided for in this Convention. In providing such support, priority shall be given to African countries and the Least Developed Countries. Supporting measures shall [may] include, inter alia:

(a) financial cooperation to provide predictability for action programmes, allowing for necessary long-term planning;

(b) elaboration and use of cooperation mechanisms which better enable support at the local level, including through non-governmental organizations;

(c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and as appropriate

(d) administrative and budget procedures that increase the efficiency of cooperation and support programmes.

Article 16

Coordination in the elaboration and implementation of action programmes

1. The Contracting Parties shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among [country Parties providing assistance] [developed country Parties], [developing] country Parties [needing assistance] and relevant international and non-governmental organizations, in order to avoid duplication, harmonize

interventions and approaches, and maximize the impact of assistance. In [developing] country Parties [needing assistance], priority will be given to coordinating activities related to international cooperation in order to maximize the efficient use of resources, to ensure responsive assistance, and to better facilitate the implementation of national plans and priorities pursuant to the convention. Arrangements relating to the form of such coordination are set out in the Regional Implementation Annexes.

Article 17

Regional Implementation Annexes

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographic and climatic factors applicable to affected countries or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular subregions and regions are set out in the Regional Implementation Annexes, which include obligations with respect to:

(a) the specific areas to be covered in the action programmes of countries of a particular region or subregion and the measures required in each of these areas;

(b) the measures to be taken jointly by groups of country Parties choosing to cooperate in the preparation and implementation of action programmes in a particular region or subregion; and

(c) the degree and nature of assistance required from country Parties in a position to provide assistance in order to elaborate and implement action programmes.

Article 18

Information collection, analysis and exchange

The Parties agree, according to their respective capabilities, to integrate and coordinate the collection, analysis and exchange of relevant short-term and long-term data and information to ensure systematic observation of land degradation in affected areas and better understand and assess the processes and effects of drought and desertification. This would help accomplish inter alia early warning and advance planning for periods of adverse climatic variation in a form suited for practical application by users at all levels, including especially local populations. To this end, they shall [as appropriate]:

(a) facilitate and strengthen the functioning of a global network of institutions and facilities for information collection, analysis, exchange and monitoring at all levels, which shall, inter alia:

(i) aim to use compatible standards and systems;

(ii) encompass relevant data and stations, including in remote areas;

(iii) use and disseminate modern technology for data collection, transmission and assessment on land degradation; and

(iv) link national, subregional and regional data and information centres more closely with global information sources;

(b) ensure that information collection, analysis and exchange activities address the needs of local communities, and those of decision-makers, with a view to resolving specific problems, and that local communities are involved in these activities;

(c) support and further develop, as appropriate, bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing data and information, collection, analysis and exchange, including inter alia integrated sets of physical, biological, social and economic indicators;

(d) make full use of the expertise of relevant international, intergovernmental organizations and non-governmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;

(e) give full weight to collection, analysis and exchange of socio-economic data, as well as their integration with physical and biological data;

(f) exchange, and make fully, openly and promptly available, information from all publicly available sources relevant to the combat of desertification and the effects of drought; and

(g) exchange information on local and traditional knowledge, ensuring adequate protection, subject to their respective national legislation and/or policies, for it and providing appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.

Article 19

Research and development

1. The Parties undertake, according to their respective capabilities, to promote technical and scientific cooperation in the fields of combatting desertification and mitigating the effects of drought through appropriate national, subregional, regional and [existing] international institutions. To this end, they shall support research activities that:

(a) contribute to increased knowledge of the processes leading to desertification and drought as well as the impact of, and distinction between, causal factors, both natural and human, with a view to preventing, mitigating and reversing desertification and achieving improved productivity as well as sustainable use and management of resources;

(b) respond to well defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people in the affected areas;

(c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, ensuring, subject to their national legislation and/or policies, that the owners of that knowledge will directly benefit on an equitable basis and on mutually agreed terms from any commercial utilization of it or from any technological development derived from that knowledge;

(d) develop and strengthen national, subregional and regional research capabilities in affected [developing] countries [needing assistance], particularly in Africa, including the development of local skills and the strengthening of appropriate capacities, especially in countries where the research base is very weak, giving greater importance to multidisciplinary and participative socio-economic research;

(e) take into account, where relevant, the relationships between poverty, migration caused by environmental factors, and desertification; and

(f) promote the conduct of joint research programmes between national, subregional, regional and international research organizations, in both public and private sectors, for the development of improved, affordable and accessible technologies for sustainable development through effective participation of local populations and communities.

2. Research priorities for particular regions and subregions, reflecting different local conditions, should be included in each Regional Implementation Annex or in action programmes. The Conference of the Parties shall review research priorities periodically on the advice of the Scientific and Technological Advisory Council. 1/

Article 20

Transfer, acquisition, adaptation and development of technology

1. The Parties undertake, on mutually agreed terms, and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the transfer, acquisition, adaptation and development of environmentally sound, economically viable and socially acceptable technologies relevant to combatting desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable development in affected areas. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

1/ Name to be confirmed.

(a) fully utilize relevant existing national, subregional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;

(b) facilitate access, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;

(c) facilitate technology cooperation among affected country Parties through financial assistance or other appropriate means;

(d) extend technology cooperation with affected country Parties [needing assistance], including, where relevant, joint ventures, especially to sectors which foster alternative livelihoods; and

(e) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology and knowledge including measures to ensure adequate and effective protection of intellectual property rights.

2. The Parties shall, according to their respective capabilities, and subject to their respective national legislation and/or policies, protect, promote and use in particular relevant traditional and local technology, know-how, knowledge and practices and to this end, they undertake to:

(a) make inventories of such technology, knowledge, know-how and practices and its potential uses with the participation of local populations, and disseminate such information where appropriate in cooperation with relevant intergovernmental and non-governmental organizations;

(b) ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit, on an equitable basis and on mutually agreed terms, directly from any commercial utilization of them or from any technological development derived thereof;

(c) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices, or of the development of new technology based on them; and

(d) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

[3. Specific provisions for carrying out cooperation pursuant to this Article, taking account of the conditions prevailing in particular affected country Parties, subregions and regions, are included in Regional Implementation Annexes.]

Article 21

Capacity building, education and public awareness

1. The Parties recognize the significance of capacity building, that is institution building, training and development of relevant local and national capacities in efforts to combat desertification and mitigate the effects of drought. They shall promote, in all appropriate capacity building activities:

(a) capacity building at all levels, but particularly at the local level, through full participation of local people, in particular women and youth, with the cooperation of non-governmental and local organizations;

(b) strengthening of training and research capacity at the national level in the field of desertification and drought;

(c) establishment and/or strengthening, as appropriate, of support and extension services to disseminate relevant technology methods and techniques more effectively, and the training of field agents and members of rural organizations in participatory approaches for the conservation and sustainable use of natural resources;

(d) fostering of the use and dissemination of the knowledge, expertise and practices of local people in technical cooperation programmes, wherever possible and appropriate;

(e) adaptation where necessary of relevant environmentally-sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;

[(f) provision of appropriate training and technology in the use of alternative energy sources, particularly renewable energy resources, aimed particularly at reducing dependence on wood for fuel;]

(g) cooperation, as mutually agreed, to strengthen the capacity of affected [developing] country Parties [needing assistance] to develop and implement programmes in the field of information collection, analysis and exchange in accordance with Article 18;

(h) innovative ways of promoting alternative livelihoods, including training in new skills;

(i) training of appropriate decision-makers and managers, as well as personnel who are responsible for the collection and analysis of data, for the dissemination and use of early warning information on drought conditions and for food production;

(j) more effective operation of existing national institutions and legal frameworks and, where necessary, creation of new ones, along with strengthening of strategic planning and management; and

(k) use of exchange visitor programmes to enhance capacity building in affected countries through a long-term, interactive process of learning and study.

2. [Countries mentioned in paragraph 1 of Article 9] Affected [developing] country Parties [needing assistance] shall conduct, in cooperation with other Parties and competent intergovernmental and non-governmental organizations, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them.

3. The Parties shall cooperate individually, collectively and through competent intergovernmental and international organizations, as well as with non-governmental organizations, to undertake and support public awareness and educational programmes in both affected and, where relevant, unaffected countries to promote understanding of the causes and effects of desertification and drought and of the importance of meeting the objectives of this Convention. To this end, they shall:

(a) target awareness campaigns at the public at large;

(b) promote, on a permanent basis, access by the public to relevant information, as well as wide public participation in education and awareness activities;

(c) encourage the establishment of associations that contribute to public awareness;

(d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected [developing] countries [needing assistance] in carrying out relevant education and awareness programmes, and fully utilize relevant educational materials available in competent international bodies;

(e) assess education needs in affected areas, elaborate appropriate school curricula and expand, as needed, educational and adult literacy programmes and opportunities for all, in particular for girls and women, on the identification, conservation as well as sustainable use and management of natural resources of affected areas; and

(f) develop interdisciplinary participatory programmes integrating desertification and drought awareness into education systems and in non-formal, adult, distance and practical education programmes.

[4. The Conference of the Parties shall establish, for combatting desertification and mitigating the effects of drought, an international education and training centre] [a network of regional education and training centres] to train appropriate scientific, technical and management personnel of affected [developing] countries [needing assistance], and to assist the institutions responsible for education and training in affected [developing] countries [needing assistance] in harmonizing programmes and in organizing exchanges of experience. The [centre] [network of centres] shall cooperate closely with relevant intergovernmental [and non-governmental] organizations to avoid duplication of effort.]

[4. The Conference of the Parties shall establish a network of regional education and training centres to combat desertification and mitigate the effects of drought, [coordinated by an international institution or centre created as appropriate for that purpose,] in order to train appropriate scientific, technical and management personnel of affected [developing] countries [needing assistance] and to assist the institutions responsible for education and training in affected [developing] countries [needing assistance] in harmonizing programmes and in organizing exchanges of experience. The network of centres shall cooperate closely with relevant intergovernmental organizations to avoid duplication of effort.]

[4. The Conference of the Parties shall encourage and support networking arrangements between regional education and training centres concerned with combatting desertification and mitigating the effects of drought and the training of appropriate scientific, technical and management personnel of affected developing countries. It will encourage and support exchanges of experience between these institutions. These arrangements shall involve close cooperation with relevant intergovernmental organizations so as to avoid duplication of effort.]

Article 22

Financial resources

(NEW DRAFT BEING DEVELOPED)

Article 23

Financial mechanisms

[NEW DRAFT BEING DEVELOPED]

PART IV

INSTITUTIONS

Article 24

Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties is the supreme body of the Convention. It shall keep the implementation of the Convention under regular review, and shall make, within its mandate, the decisions necessary to promote its effective implementation. To this end, it shall:

(a) periodically review the implementation of the Convention and of the institutional arrangements on the basis of the evolution of scientific and technological knowledge in light of the experience gained at the national, subregional, regional and international levels;

(b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and intervals for transmitting the information to be submitted in accordance with Article 28, review the reports and make recommendations on them;

(c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(d) review reports submitted by its subsidiary bodies and provide guidance to them;

[(e) revise [periodically] the lists of countries in Annex ...;]

(f) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;

(g) adopt amendments to the Convention in accordance with Article[s] 32 [and 33];

[(h) approve a comprehensive programme and regular budget, [based on agreed assessed contributions] [to be borne by the regular budget of the United Nations], to ensure the effective operation of the Secretariat, the subsidiary bodies [and the international networks agreed upon in accordance with Articles 18,19 and 21];]

(i) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent national, international, intergovernmental and non-governmental organizations;

(j) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and

(k) exercise other functions as may be necessary for the achievement of the objective of the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim Secretariat referred to in Article 39 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided either by the Conference of the Parties in ordinary session or [at the initiative of the Bureau of the Conference of the Parties,] or at the written request of any Party, provided that, within three

months of the request [or initiative] being communicated to the Parties by the [Permanent] Secretariat, it is supported by at least one third of the Parties.

[6. At the opening of its sessions, the Conference of the Parties shall elect a Bureau comprising a chairman, [and five vice-chairmen, one of them fulfilling the task of rapporteur] three vice-chairmen and a rapporteur. Due regard shall be paid to the need to ensure equitable geographic distribution and adequate representation of those countries affected by drought and desertification, particularly in Africa.]

[6. The Conference of the Parties shall elect a Bureau. Due regard shall be paid to the need to ensure equitable geographic distribution. The structure and functions of the Bureau shall be determined in the rules of procedure.]

[6. At each ordinary session, the Conference of the Parties shall elect a Bureau. The structure and functions of the Bureau shall be determined in the rules of procedure. Due regard shall be paid in appointing the Bureau to the need to ensure equitable geographic distribution [and adequate representation of those countries affected by drought and/or desertification, particularly in Africa].]

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the [Permanent] Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 25

[Permanent] Secretariat

1. A [Permanent] Secretariat is hereby established.

2. The functions of the [Permanent] Secretariat shall be:

(a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

(b) to compile and transmit reports submitted to it;

(c) to [facilitate assistance to] [advise] affected developing country Parties [needing assistance], on request, particularly in Africa, in the compilation and communication of information required [of them under the provisions of the Convention] [in accordance with Article 28];

(d) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;

(e) to coordinate its activities with the secretariats of other relevant international bodies and conventions;

(f) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(g) to perform any other secretariat functions as may be determined by the Conference of the Parties.

[2bis. The [Permanent] Secretariat shall make recommendations to the Conference of the Parties, at its first session, on criteria for the implementation of Article 20, subparagraph 2 (b), on the appropriate return to local populations from the benefits derived from commercial utilization of traditional technology, knowledge, know-how and practices.]

3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

[Article 26

Advisory Panel on Research and Development

1. An Advisory Panel on Research and Development is hereby established. It shall be composed of experts competent in fields relevant to desertification and drought.

2. The members of the Advisory Panel shall be selected by the Conference of the Parties from among candidates submitted in writing by the Parties, and shall serve in their personal capacities.

3. The Conference of the Parties shall decide on the terms of reference and procedures of the Advisory Panel.

4. The Advisory Panel shall give advice to the Conference of the Parties, acting at its request. In this regard, it shall:

(a) keep under review the state of the art in fields of science relevant to desertification and drought;

(b) undertake the functions set in its terms of reference; and

(c) report regularly to the Conference of the Parties on all aspects of its work.

5. The Advisory Panel shall maintain liaison with relevant bodies and agencies.]

[Article 27

Networking of existing institutions, agencies and bodies

1. The Advisory Panel on Research and Development shall, under the supervision of the Conference of the Parties, survey and evaluate the relevant existing networks, institutions, agencies and bodies (the "units") willing to be networked.

2. On the basis of the results of the survey, the Advisory Panel shall make recommendations to the Conference of the Parties on ways and means to facilitate and strengthen networking of the units, their personnel and facilities at local, national and other levels, with a view to ensuring that the thematic needs elaborated in Articles 18, 19, 20 and 21 are addressed.

3. Taking into account these recommendations, the Conference of the Parties shall:

(a) identify those national, subregional, regional and international units, most appropriate for networking, and shall recommend operational procedures, and a time-frame, for them; and

(b) identify the units best suited to facilitate and strengthen such networking at all levels.

4. This networking shall support the implementation of the Convention.]

PART V

PROCEDURES

Article 28

Communication of information

1. Each Party shall communicate to the Conference of the Parties for consideration at its ordinary sessions, through the [Permanent] Secretariat, reports on the measures which it has taken [in compliance with] [for the implementation of] this Convention. The Conference of the Parties shall determine [the timetable for submission and] the format of such reports.

2. Affected country Parties shall provide a description of the strategies adopted pursuant to [Article 5] [this Convention] and of any relevant information on their implementation.

3. Affected [developing] country Parties [needing assistance] shall provide a detailed description of the action programmes adopted pursuant to Articles 9 to 17 and of [any relevant information on] their implementation.

4. Any group of affected country Parties may make a joint communication on measures taken at the subregional and/or regional levels in the framework of action programmes.

5. Developed country Parties [and other Parties in a position to provide assistance] shall report on measures taken to assist in the preparation and implementation of action programmes, [including information on the financial resources they have provided, or are providing, under this Convention].

6. Information communicated in accordance with paragraphs 1 to 4 shall be transmitted by the Secretariat as soon as possible to the Conference of the Parties and to any relevant subsidiary body.

7. The Conference of the Parties [may recommend measures that may be taken by affected country Parties [needing assistance], particularly in Africa, to obtain] [shall arrange for the provision to affected country Parties [needing assistance], particularly in Africa, on request, of] technical and financial support in compiling and communicating information in accordance with this Article, as well as identifying the technical and financial needs associated with action programmes.

Article 29

Measures to resolve questions on [compliance] [implementation]

The Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the solution of questions that may arise with regard to [compliance with] [the implementation of] the Convention.

Article 30

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving, or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) arbitration in accordance with the procedure [adopted by the Conference of the Parties in an Annex as soon as practicable] [of the Permanent Court of Arbitration] set out in Annex ...;

(b) submission of the dispute to the International Court of Justice.

3. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2, subparagraph (a).

4. A declaration made under paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within 12 months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation at the request of any Party to the dispute, in accordance with the procedure set out in Annex ..., unless the Parties otherwise agree.

Article 31

Status of Annexes

Regional Implementation Annexes and other Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention also constitutes a reference to its Annexes.

Article 32

Amendments to the Convention

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for their acceptance or approval.

4. Instruments of acceptance or approval in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance or approval by at least two thirds of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance or approval of the said amendment.

6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 33

Adoption and amendment of Annexes

1. Any additional Annex to the Convention and any amendment to an Annex [other than Regional Implementation Annexes] shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in Article 32. The adoption or amendment of an Annex shall be communicated by the Depositary to all Parties.

[1 bis. Any amendment to a Regional Implementation Annex shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in Article 32, provided that, in adopting such amendment, the majority as provided for in that Article includes a [two-thirds] [three-fourths] majority vote of the Parties present and voting of the region concerned.]

2. An Annex, or an amendment to an Annex, that has been adopted in accordance with paragraph 1 shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the Annex or of the amendment, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the Annex or the amendment. The Annex or the amendment to an Annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

[2bis. Any additional Regional Implementation Annex or amendment thereto that has been adopted in accordance with subparagraph 1 shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary of the adoption of the Annex or the amendment, except with respect to:

(a) any Party that has notified the Depositary in writing, within such six month period, of its non-acceptance of the additional Regional Annex or amendment thereto; and

(b) any Party that has made a declaration with respect to additional Regional Implementation Annexes or amendments thereto in accordance with Article 37, paragraph 4. Such an Annex or amendment thereto would enter into force for such a Party only upon the deposit of an instrument of ratification, acceptance or approval for such Annex or amendment and in no event shall such Annex or amendment enter into force for such a Party before six months after

the date of communication by the Depositary to all Parties of the adoption of such Annex or amendment.] 2/

3. If the adoption of an Annex or an amendment to an Annex [requires] involves an amendment to the Convention, that Annex or amendment to an Annex shall not enter into force until such time as the amendment to the Convention [has entered] enters into force.

Article 34

Right to vote

1. Except as provided for in paragraph 2, each Party to the Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 35

Depositary

The Secretary-General of the United Nations shall be the Depositary of the Convention.

PART VI

FINAL PROVISIONS

Article 36

Signature

The Convention shall be open for signature at ..... , on ....., by States Members of the United Nations or any of its specialized agencies or that are

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2/ Paragraph 2bis should be examined in conjunction with the following addition to Article 37:

[4. In its instrument of ratification, acceptance, approval or accession, a Party may declare:

(a) that, with respect to it, additional Regional Implementation Annexes and amendments thereto shall enter into force only upon the deposit of an instrument of ratification, acceptance or approval; and

(b) if deposited after the Convention has entered into force, as to which additional Regional Implementation Annexes that have entered into force, if any, it intends to be bound.]

Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until ..... .

Article 37

Ratification, acceptance, approval and accession

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party to the Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 38

Interim arrangements

The Secretariat functions referred to in Article 25 will be carried out on an interim basis by the Secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of the Parties.

Article 39

Entry into force

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the [sixtieth] [fiftieth] [fortieth] [thirtieth] instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to the Convention after the deposit of the [sixtieth] [fiftieth] [fortieth] [thirtieth] instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 40

Reservations [or exception]

[No reservations [or exceptions] may be made to this Convention.]

Article 41

Withdrawal

1. At any time after [two] [three] years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

[3. Withdrawal does not exempt the withdrawing Party from meeting the obligations and commitments which may have been entered into pursuant to the Convention in the implementation of projects and programmes.]

Article 42

Authentic texts

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed the present Convention.

DONE AT ..... , this ..... day of ..... one thousand nine hundred and ninety-four.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.241/15/Rev.3
31 March 1994

Original: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR THE ELABORATION OF AN INTERNATIONAL
CONVENTION TO COMBAT DESERTIFICATION IN
THOSE COUNTRIES EXPERIENCING SERIOUS
DROUGHT AND/OR DESERTIFICATION,
PARTICULARLY IN AFRICA
Fourth session
Geneva, 21-31 March 1994
Agenda item 2

ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

Final Negotiating Text of the Convention

Note by the Secretariat

Attached is the Final Negotiating Text of the Convention. It reflects discussion in the two Working Groups of the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (INCD), through the end of the Committee's fourth session.

GE.94-60999 (E)

Final Negotiating Text of the Convention

CONVENTION ON COMBATING DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

The Parties to this Convention,

1. Affirming that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought,

2. Reflecting the urgent concern of the international community, including States and organizations, about the adverse impact of desertification and drought,

3. Aware that arid, semi-arid and dry sub-humid areas together account for a significant proportion of the Earth's land area and are the habitat and source of livelihood for a large segment of its population,

4. Acknowledging that desertification and/or drought are problems of global dimension in that they affect all regions of the world and the need for joint action of the international community to combat desertification and/or mitigate the effects of drought,

5. Noting the high concentration of developing countries, notably the least developed countries, among countries experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

6. Noting also that desertification is caused by complex interactions among physical, biological, political, social, cultural and economic factors,

7. Considering the impact of trade and relevant aspects of international economic relations on the ability of affected countries to combat desertification adequately,

8. Conscious that sustainable economic growth, social development and poverty eradication are priorities of affected developing countries, particularly in Africa, and are essential to meeting sustainability objectives,

9. [Acknowledging that special attention should be given to problems of combating desertification and mitigating the effects of drought in countries with economies in transition, and recognizing that these countries are facing unprecedented challenges in transforming their economies, in some cases in the midst of considerable social and political tension,]

10. Mindful that desertification and drought affect sustainable development through interrelationships with important social problems such as poverty, poor health and nutrition, lack of food security, migration, displaced persons and demographic dynamics,

11. Appreciating the significance of the past efforts and experience of States and international organizations in combating desertification and mitigating the effects of drought, particularly in implementing the United Nations Plan of Action to Combat Desertification which arose from the 1977 United Nations Conference on Desertification,

12. Realizing that, despite efforts in the past, progress in combating desertification and mitigating the effects of drought has not met expectations and that a new and more effective approach is needed at all levels in the framework of sustainable development,

13. Recognizing the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its Chapter 12, which provide a basis for combating desertification,

14. Recalling General Assembly resolution 47/188, particularly the priority it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

15. Recalling the Rio Declaration on Environment and Development which states, in its Principle 2, that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

16. Recognizing that national Governments play a critical role in combating desertification and mitigating the effects of drought and that progress in this respect depends on local implementation of action programmes in affected areas,

17. Recognizing also the importance and necessity of international cooperation and partnership in combating desertification and mitigating the effects of drought,

18. [Reaffirming the international community's commitment to work in order to attain the accepted United Nations target of allocating 0.7 per cent of Gross National Product to Official Development Assistance,]

19. [Recognizing that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,]

20. Stressing the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought,

21. Emphasizing the special role of non-governmental organizations and other major groups in programmes to combat desertification and mitigate the effects of drought,

22. Bearing in mind the relationship between desertification and other environmental problems of global dimension facing the international and national communities,

23. [Bearing also in mind the contribution that combating desertification can make to achieving the objectives of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity and other related environmental conventions,]

24. Believing that strategies to combat desertification and mitigate the effects of drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge, and continuously re-evaluated,

25. Recognizing the urgent need to improve the effectiveness and coordination of international cooperation to better facilitate the implementation of national plans and priorities,

26. Determined to take appropriate actions in combating desertification and mitigating the effects of drought for the benefit of present and future generations,

Have agreed as follows:

PART I

INTRODUCTION

Article 1

Use of terms

1. For the purposes of this Convention:

(a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;

(b) "land" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;

(c) "land degradation" means reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:

(i) soil erosion caused by wind and/or water,

(ii) deterioration of the physical, chemical and biological or economic properties of soil, and

(iii) long-term loss of natural vegetation;

(d) "arid, semi-arid and dry sub-humid areas" means areas, other than polar and sub-polar regions, in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;

(e) "combating desertification" includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development that are aimed at:

(i) prevention and/or reduction of land degradation,

(ii) rehabilitation of partly degraded land, and

(iii) reclamation of desertified land;

(f) "drought" means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalance that adversely affects land resource production systems;

(g) "mitigating the effects of drought" means activities related to the prediction of drought and intended to reduce the vulnerability of society and natural systems to drought as it relates to combating desertification;

(h) "affected areas" means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;

(i) "affected countries" means countries whose lands include, in whole or in part, affected areas;

[(j) "Other Parties in a position to provide assistance" means Parties other than the developed country Parties and any regional integration organization which can provide on a voluntary basis, knowledge, know-how and techniques related to desertification, and/or financial resources, to affected developing country Parties;]

(k) "regional economic integration organization" means an organization constituted by sovereign States of a given region [or subregion] which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention.

[2. The Conference of the Parties shall periodically review the use of terms and shall decide whether to establish a glossary.]

[3. Affected country Parties eligible for assistance under this Convention are the developing countries, particularly African country Parties.]

Article 2

Objective

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective actions at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective shall involve long-term integrated strategies which focus simultaneously, in affected and threatened areas, on improved productivity of lands, rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

[Article 3]

Principles

In order to achieve the objectives of this Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

(a) States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond national jurisdiction;

(b) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels;

(c) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at subregional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;

(d) the Parties should develop, in a spirit of partnership, cooperation among all levels of Government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use; and

(e) The Parties should take into full consideration the special needs and circumstances of affected developing country Parties, particularly the least developed among them.

PART II

GENERAL PROVISIONS

Article 4

General obligations

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements, or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

(a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;

(b) give due attention, within the relevant global and regional bodies, to the situation of affected developing countries with regard to international trade, marketing arrangements and debt with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development;

(c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;

(d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;

(e) strengthen subregional, regional and international cooperation;

(f) cooperate within relevant intergovernmental organizations; and

(g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication.

[(h) develop financial mechanisms that provide for new and additional resources to affected country Parties in combating desertification and mitigating the effects of drought.]

Article 5

Obligations of affected country Parties

1. In addition to their obligations in accordance with Article 4, affected country Parties undertake to:

(a) give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their conditions and capabilities;

(b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;

(c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;

(d) promote awareness and facilitate participation of local populations, particularly women and youth, with the support of non-governmental organizations, in efforts to combat desertification and mitigate the effects of drought; and

(e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, establishing new laws, long-term policies and action programmes.

2. Affected developed country Parties are not entitled to receive assistance in the form of financial resources under the terms of this Convention for activities they undertake to combat desertification.

Article 6

Obligations of developed country Parties [and others Parties in a position to provide assistance]

[NEW DRAFT BEING DEVELOPED]

Article 7

Priority to Africa

In implementing the provisions of this Convention, the Parties shall give priority to affected African countries, in the light of the particular situation prevailing in this region, while not neglecting other affected [developing] regions. This priority shall also apply in the context of implementing the Regional Implementation Annex for Africa.

Article 8

Relationship with other Conventions

1. The Parties shall encourage the coordination of activities carried out under this Convention and, if they are parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements concerned.

[2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or global agreement into which it has entered prior to the entry into force of this Convention for it.]

PART III

ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL COOPERATION AND SUPPORTING MEASURES

Section 1: Action programmes

Article 9

Basic approach

1. In carrying out their obligations pursuant to Article 5, affected [developing] country Parties [needing assistance] shall prepare, make public, and implement national action programmes, building to the extent possible on existing relevant successful plans and programmes, and, as appropriate, subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated through the continuing participatory process on the basis of lessons from field action, as well as the results from research, at intervals to be recommended by the Conference of the Parties. This process of preparing national action programmes shall be closely interlinked with other efforts to formulate national policies for sustainable development.

2. Developed country Parties [and other Parties in a position to provide assistance] shall support [, as mutually agreed, individually or jointly and upon request,] affected [developing] country Parties [needing assistance], [particularly those in Africa,] in this process, either directly or through appropriate intergovernmental organizations, or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant international organizations, academic institutions, the scientific community and non-governmental organizations in a position to cooperate, in accordance with their mandates and capabilities, to support the elaboration, implementation and follow-up of action programmes.

Article 10

National action programmes

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.

2. National action programmes shall specify the respective roles of government, local communities and land users as well as the resources available and needed. They shall, inter alia:

(a) incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;

(b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;

(c) give particular attention to the implementation of preventive measures for lands that are not yet degraded, or which are only slightly degraded;

(d) enhance national climatological, meteorological and hydrological capabilities and the means to provide for and apply drought early warning;

(e) promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;

(f) provide for effective participation at local, national and regional levels by non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, implementation and review of national action programmes; and

(g) require regular review of, and progress reports on, implementation of the programmes.

3. National action programmes may include, inter alia, some or all of the following measures to prepare for and mitigate the effects of drought as a natural phenomenon:

(a) establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities as well as joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons;

(b) strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to interannual climate predictions;

(c) establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;

(d) establishment of other alternative livelihood projects that could provide incomes in drought prone areas; and

(e) development of sustainable irrigation programmes for both crops and livestock.

[(f) support for programmes in the field of cloud seeding to increase rainfall in drylands;]

4. Taking into account the conditions and requirements specific to each affected country Party, national action programmes include, as appropriate, inter alia, measures in some or all of the following priority fields as they relate to combating desertification and mitigating the effects of drought in affected areas and to their populations: promotion of alternative livelihoods and improvement of national economic environments with a view to strengthening programmes aimed at the eradication of poverty and at ensuring food security, sustainable management of natural resources, sustainable agricultural practices, development and efficient use of various energy sources, institutional and legal frameworks, strengthening of capabilities for assessment and monitoring, including hydrological and meteorological services, and capacity building, education and public awareness.

Article 11

Subregional and regional action programmes

Affected country Parties shall consult and cooperate to prepare, as appropriate, in accordance with relevant Regional Implementation Annexes, subregional and/or regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of Article 10 shall apply mutatis mutandis to subregional and regional programmes. Such cooperation [may] include agreed joint programmes for the sustainable management of transboundary [natural] resources, scientific and technical cooperation, and strengthening of relevant institutions.

Article 12

International cooperation

Affected country Parties, in collaboration with other Parties and the international community, should cooperate to ensure the promotion of an enabling international environment in the implementation of the provisions of the Convention together with the Regional Implementation Annexes. Such cooperation should also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.

Article 13

Support for the elaboration and implementation of action programmes

[Developed country Parties] [Developed country Parties and other Parties in a position to provide assistance] [Parties in a position to provide assistance] shall, as mutually agreed, support the action programmes of [developing] country Parties [needing assistance], both bilaterally and through competent intergovernmental organizations, through financial, technical and other forms of cooperation as provided for in this Convention. In providing such support, priority shall be given to African countries and the least developed countries. Supporting measures include, inter alia:

(a) financial cooperation to provide predictability for action programmes, allowing for necessary long-term planning;

(b) elaboration and use of cooperation mechanisms which better enable support at the local level, including through non-governmental organizations;

(c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and

(d) as appropriate, administrative and budget procedures that increase the efficiency of cooperation and support programmes.

Article 14

Coordination in the elaboration and implementation of action programmes

1. The Parties shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among [country Parties providing assistance] [developed country Parties], [developing] country Parties [needing assistance] and relevant international and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. In [developing] country Parties [needing assistance], priority will be given to coordinating activities related to international cooperation in order to maximize the efficient use of resources, to ensure responsive assistance, and to better facilitate the implementation of national plans and priorities pursuant to the convention. Arrangements relating to the form of such coordination are set out in the Regional Implementation Annexes.

[Article 15]

Regional Implementation Annexes

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographic and climatic factors applicable to affected countries or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular subregions and regions are set out in the Regional Implementation Annexes, which include obligations with respect to:

(a) the specific areas to be covered in the action programmes of countries of a particular region or subregion and the measures required in each of these areas;

(b) the measures to be taken jointly by groups of country Parties choosing to cooperate in the preparation and implementation of action programmes in a particular region or subregion; and

(c) the degree and nature of assistance required from country Parties in a position to provide assistance in order to elaborate and implement action programmes.

Section 2: Scientific and technical cooperation

Article 16

Information collection, analysis and exchange

The Parties agree, according to their respective capabilities, to integrate and coordinate the collection, analysis and exchange of relevant short-term and long-term data and information to ensure systematic observation of land degradation in affected areas and better understand and assess the processes and effects of drought and desertification. This would help accomplish inter alia early warning and advance planning for periods of adverse climatic variation in a form suited for practical application by users at all levels, including especially local populations. To this end, they shall [as appropriate]:

(a) facilitate and strengthen the functioning of a global network of institutions and facilities for information collection, analysis, exchange and monitoring at all levels, which shall, inter alia:

(i) aim to use compatible standards and systems;

(ii) encompass relevant data and stations, including in remote areas;

(iii) use and disseminate modern technology for data collection, transmission and assessment on land degradation; and

(iv) link national, subregional and regional data and information centres more closely with global information sources;

(b) ensure that information collection, analysis and exchange activities address the needs of local communities, and those of decision-makers, with a view to resolving specific problems, and that local communities are involved in these activities;

(c) support and further develop, as appropriate, bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing data and information, collection, analysis and exchange, including inter alia integrated sets of physical, biological, social and economic indicators;

(d) make full use of the expertise of relevant international, intergovernmental organizations and non-governmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;

(e) give full weight to collection, analysis and exchange of socio-economic data, as well as their integration with physical and biological data;

(f) exchange, and make fully, openly and promptly available, information from all publicly available sources relevant to the combat of desertification and the effects of drought; and

(g) exchange information on local and traditional knowledge, ensuring adequate protection, subject to their respective national legislation and/or policies, for it and providing appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.

Article 17

Research and development

1. The Parties undertake, according to their respective capabilities, to promote technical and scientific cooperation in the fields of combating desertification and mitigating the effects of drought through appropriate national, subregional, regional and [existing] international institutions. To this end, they shall support research activities that:

(a) contribute to increased knowledge of the processes leading to desertification and drought as well as the impact of, and distinction between, causal factors, both natural and human, with a view to preventing, mitigating and reversing desertification and achieving improved productivity as well as sustainable use and management of resources;

(b) respond to well defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people in the affected areas;

(c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, ensuring, subject to their national legislation and/or policies, that the owners of that knowledge will directly benefit on an equitable basis and on mutually agreed terms from any commercial utilization of it or from any technological development derived from that knowledge;

(d) develop and strengthen national, subregional and regional research capabilities in affected [developing] countries [needing assistance], particularly in Africa, including the development of local skills and the strengthening of appropriate capacities, especially in countries where the research base is very weak, giving greater importance to multidisciplinary and participative socio-economic research;

(e) take into account, where relevant, the relationships between poverty, migration caused by environmental factors, and desertification; and

(f) promote the conduct of joint research programmes between national, subregional, regional and international research organizations, in both public

and private sectors, for the development of improved, affordable and accessible technologies for sustainable development through effective participation of local populations and communities.

2. Research priorities for particular regions and subregions, reflecting different local conditions, should be included in each Regional Implementation Annex or in action programmes. The Conference of the Parties shall review research priorities periodically on the advice of the [Scientific and Technological Advisory Council].

Article 18

Transfer, acquisition, adaptation and development of technology

1. The Parties undertake, on mutually agreed terms, and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the transfer, acquisition, adaptation and development of environmentally sound, economically viable and socially acceptable technologies relevant to combating desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable development in affected areas. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

(a) fully utilize relevant existing national, subregional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;

(b) facilitate access, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;

(c) facilitate technology cooperation among affected country Parties through financial assistance or other appropriate means;

(d) extend technology cooperation with affected country Parties [needing assistance], including, where relevant, joint ventures, especially to sectors which foster alternative livelihoods; and

(e) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology and knowledge including measures to ensure adequate and effective protection of intellectual property rights.

2. The Parties shall, according to their respective capabilities, and subject to their respective national legislation and/or policies, protect,

promote and use in particular relevant traditional and local technology, know-how, knowledge and practices and to this end, they undertake to:

(a) make inventories of such technology, knowledge, know-how and practices and its potential uses with the participation of local populations, and disseminate such information where appropriate in cooperation with relevant intergovernmental and non-governmental organizations;

(b) ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit, on an equitable basis and on mutually agreed terms, directly from any commercial utilization of them or from any technological development derived thereof;

(c) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices, or of the development of new technology based on them; and

(d) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

[3. Specific provisions for carrying out cooperation pursuant to this Article, taking account of the conditions prevailing in particular affected country Parties, subregions and regions, should be included in Regional Implementation Annexes or in action programmes.]

Section 3: Supporting Measures

Article 19

Capacity building, education and public awareness

1. The Parties recognize the significance of capacity building, that is institution building, training and development of relevant local and national capacities in efforts to combat desertification and mitigate the effects of drought. They shall promote, in all appropriate capacity building activities:

(a) capacity building at all levels, but particularly at the local level, through full participation of local people, in particular women and youth, with the cooperation of non-governmental and local organizations;

(b) strengthening of training and research capacity at the national level in the field of desertification and drought;

(c) establishment and/or strengthening, as appropriate, of support and extension services to disseminate relevant technology methods and techniques more effectively, and the training of field agents and members of rural organizations in participatory approaches for the conservation and sustainable use of natural resources;

(d) fostering of the use and dissemination of the knowledge, expertise and practices of local people in technical cooperation programmes, wherever possible and appropriate;

(e) adaptation where necessary of relevant environmentally-sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;

[(f) provision of appropriate training and technology in the use of alternative energy sources, particularly renewable energy resources, aimed particularly at reducing dependence on wood for fuel;]

(g) cooperation, as mutually agreed, to strengthen the capacity of affected [developing] country Parties [needing assistance] to develop and implement programmes in the field of information collection, analysis and exchange in accordance with Article 16;

(h) innovative ways of promoting alternative livelihoods, including training in new skills;

(i) training of appropriate decision-makers and managers, as well as personnel who are responsible for the collection and analysis of data, for the dissemination and use of early warning information on drought conditions and for food production;

(j) more effective operation of existing national institutions and legal frameworks and, where necessary, creation of new ones, along with strengthening of strategic planning and management; and

(k) use of exchange visitor programmes to enhance capacity building in affected countries through a long-term, interactive process of learning and study.

2. Affected [developing] country Parties [needing assistance] shall conduct, in cooperation with other Parties and competent intergovernmental and non-governmental organizations, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them.

3. The Parties shall cooperate individually, collectively and through competent intergovernmental and international organizations, as well as with non-governmental organizations, to undertake and support public awareness and educational programmes in both affected and, where relevant, unaffected countries to promote understanding of the causes and effects of desertification and drought and of the importance of meeting the objectives of this Convention. To this end, they shall:

(a) target awareness campaigns at the public at large;

(b) promote, on a permanent basis, access by the public to relevant information, as well as wide public participation in education and awareness activities;

(c) encourage the establishment of associations that contribute to public awareness;

(d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected [developing] countries [needing assistance] in carrying out relevant education and awareness programmes, and fully utilize relevant educational materials available in competent international bodies;

(e) assess education needs in affected areas, elaborate appropriate school curricula and expand, as needed, educational and adult literacy programmes and opportunities for all, in particular for girls and women, on the identification, conservation as well as sustainable use and management of natural resources of affected areas; and

(f) develop interdisciplinary participatory programmes integrating desertification and drought awareness into education systems and in non-formal, adult, distance and practical education programmes.

4. The Conference of the Parties shall establish and/or strengthen networks of regional education and training centres to combat desertification and mitigate the effects of drought, coordinated by a created or designated institution as appropriate for that purpose, in order to train relevant scientific, technical and management personnel and to strengthen the existing institutions responsible for education and training in affected countries, where appropriate, with a view to harmonizing programmes and to organizing exchanges of experience among them. These networks of centres shall cooperate closely with relevant intergovernmental and non-governmental organizations to avoid duplication of effort.

Article 20

Financial resources

[NEW DRAFT BEING DEVELOPED]

Article 21

Financial mechanisms

[NEW DRAFT BEING DEVELOPED]

PART IV

INSTITUTIONS

Article 22

Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties is the supreme body of the Convention. It shall keep the implementation of the Convention under regular review, and shall make, within its mandate, the decisions necessary to promote its effective implementation. To this end, it shall:

(a) periodically review the implementation of the Convention and of the institutional arrangements on the basis of the evolution of scientific and technological knowledge in light of the experience gained at the national, subregional, regional and international levels;

(b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and intervals for transmitting the information to be submitted in accordance with Article 26, review the reports and make recommendations on them;

(c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(d) review reports submitted by its subsidiary bodies and provide guidance to them;

(e) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;

(f) adopt amendments to the Convention in accordance with Article[s] 30 [and 31];

[(g) approve a comprehensive programme and regular budget, [based on agreed assessed contributions] [to be borne by the regular budget of the United Nations], to ensure the effective operation of the Secretariat, the subsidiary bodies [and the international networks agreed upon in accordance with Articles 16, 17 and 19];]

(h) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent national, international, intergovernmental and non-governmental organizations;

(i) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and

(j) exercise other functions as may be necessary for the achievement of the objective of the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim Secretariat referred to in Article 36 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided either by the Conference of the Parties in

ordinary session or [at the initiative of the Bureau of the Conference of the Parties,] or at the written request of any Party, provided that, within three months of the request [or initiative] being communicated to the Parties by the [Permanent] Secretariat, it is supported by at least one third of the Parties.

6. At each ordinary session, the Conference of the Parties shall elect a Bureau. The structure and functions of the Bureau shall be determined in the rules of procedure. Due regard shall be paid in appointing the Bureau to the need to ensure equitable geographic distribution [and adequate representation of those countries affected by drought and/or desertification, particularly in Africa].

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the [Permanent] Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

[8 The Conference of the Parties, at its first session, shall take decisions regarding criteria for the implementation of Article 18, subparagraph 2 (b), on the appropriate return to local populations from the benefits derived from commercial utilization of traditional technology, knowledge, know-how and practices.]

Article 23

[Permanent] Secretariat

1. A [Permanent] Secretariat is hereby established.

2. The functions of the [Permanent] Secretariat shall be:

(a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

(b) to compile and transmit reports [submitted to it];

(c) to [facilitate assistance to][advise] affected developing country Parties [needing assistance], on request, particularly in Africa, in the compilation and communication of information required [of them under the provisions of the Convention] [in accordance with Article 26];

(d) to coordinate its activities with the secretariats of other relevant international bodies and conventions;

(e) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(f) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties; and

(g) to perform any other secretariat functions as may be determined by the Conference of the Parties.

3. The Conference of the Parties, at its first session, shall designate a permanent Secretariat and make arrangements for its functioning.

[Article 24]

Advisory Panel on Research and Development

1. An Advisory Panel on Research and Development is hereby established. It shall be composed of experts competent in fields relevant to desertification and drought.

2. The members of the Advisory Panel shall be selected by the Conference of the Parties from among candidates submitted in writing by the Parties, and shall serve in their personal capacities [for such period as the Conference of the Parties decides.]

3. The Conference of the Parties shall decide on [the composition,] the terms of reference and procedures of the Advisory Panel.

4. The Advisory Panel shall give advice to the Conference of the Parties, acting at its request. In this regard, it shall:

(a) keep under review the state of the art in fields of science relevant to desertification and drought;

(b) undertake the functions set in its terms of reference; and

(c) report regularly to the Conference of the Parties on all aspects of its work.

5. The Advisory Panel shall maintain liaison with relevant bodies and agencies of the United Nations system and other relevant international organizations.

[Article 24]

Scientific and Technological Advisory Council

1. A Scientific and Technological Advisory Council is hereby established as a subsidiary organ of the Conference of the Parties.

2. The Scientific and Technological Advisory Council shall be open to participation by all Parties, shall be multidisciplinary and shall comprise

government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

Article 25

Networking of existing institutions, agencies and bodies

1. The [Advisory Panel on Research and Development] shall, under the supervision of the Conference of the Parties, survey and evaluate the relevant existing networks, institutions, agencies and bodies (the "units") willing to be networked.

2. On the basis of the results of the survey, the [Advisory Panel] shall make recommendations to the Conference of the Parties on ways and means to facilitate and strengthen networking of the units, [their personnel and facilities] at the local, national and other levels, with a view to ensuring that the thematic needs elaborated in Articles 16, 17, 18 and 19 are addressed.

3. Taking into account these recommendations, the Conference of the Parties shall:

(a) identify those national, subregional, regional and international units, most appropriate for networking, and shall recommend operational procedures, and a time-frame, for them; and

(b) identify the units best suited to facilitate and strengthen such networking at all levels.

4. This networking shall support the implementation of [the Convention] [action programmes].

PART V

PROCEDURES

Article 26

Communication of information

1. Each Party shall communicate to the Conference of the Parties for consideration at its ordinary sessions, through the [Permanent] Secretariat, reports on the measures which it has taken [in compliance with] [for the implementation of] this Convention. The Conference of the Parties shall determine [the timetable for submission and] the format of such reports.

2. Affected country Parties shall provide a description of the strategies adopted pursuant to [Article 5] [this Convention] and of any relevant information on their implementation.

3. Affected [developing] country Parties [needing assistance] shall provide a detailed description of the action programmes adopted pursuant to Articles 9 to 15 and of [any relevant information on] their implementation.

4. Any group of affected country Parties may make a joint communication on measures taken at the subregional and/or regional levels in the framework of action programmes.

5. Developed country Parties [and other Parties in a position to provide assistance] shall report on measures taken to assist in the preparation and implementation of action programmes, [including information on the financial resources they have provided, or are providing, under this Convention].

6. Information communicated in accordance with paragraphs 1 to 4 shall be transmitted by the Secretariat as soon as possible to the Conference of the Parties and to any relevant subsidiary body.

7. The Conference of the Parties [may recommend measures that may be taken by affected country Parties [needing assistance], particularly in Africa, to obtain] [shall arrange for the provision to affected country Parties [needing assistance], particularly in Africa, on request, of] technical and financial support in compiling and communicating information in accordance with this Article, as well as identifying the technical and financial needs associated with action programmes.

Article 27

Measures to resolve questions on [compliance][implementation]

The Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the solution of questions that may arise with regard to [compliance with] [the implementation of] the Convention.

Article 28

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving, or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) arbitration in accordance with the procedure [adopted by the Conference of the Parties in an Annex as soon as practicable] [of the Permanent Court of Arbitration] set out in Annex] ...;

(b) submission of the dispute to the International Court of Justice.

3. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2, subparagraph (a).

4. A declaration made under paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within 12 months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation at the request of any Party to the dispute, in accordance with the procedure set out in Annex ..., unless the Parties otherwise agree.

Article 29

Status of Annexes

Regional Implementation Annexes and other Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention also constitutes a reference to its Annexes.

Article 30

Amendments to the Convention

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for their acceptance or approval.

4. Instruments of acceptance or approval in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 shall enter into force for those Parties having accepted it on the

ninetieth day after the date of receipt by the Depositary of an instrument of acceptance or approval by at least two thirds of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance or approval of the said amendment.

6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 31

Adoption and amendment of Annexes

1. Any additional Annex to the Convention and any amendment to an Annex [other than Regional Implementation Annexes] shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in Article 30. The adoption or amendment of an Annex shall be communicated by the Depositary to all Parties.

[2. Any amendment to a Regional Implementation Annex shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in Article 30, provided that, in adopting such amendment, the majority as provided for in that Article includes a [two-thirds] [three-fourths] majority vote of the Parties present and voting of the region concerned.]

3. An Annex, or an amendment to an Annex, that has been adopted in accordance with paragraph 1 shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the Annex or of the amendment, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the Annex or the amendment. The Annex or the amendment to an Annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

[4. Any additional Regional Implementation Annex or amendment thereto that has been adopted in accordance with subparagraph 1 shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary of the adoption of the Annex or the amendment, except with respect to:

(a) any Party that has notified the Depositary in writing, within such six month period, of its non-acceptance of the additional Regional Annex or amendment thereto; and

(b) any Party that has made a declaration with respect to additional Regional Implementation Annexes or amendments thereto in accordance with Article 35, paragraph 4, in which case such an Annex or amendment thereto would enter into force for such a Party only upon the deposit of an instrument of ratification, acceptance or approval for such Annex or amendment and in no

event shall such Annex or amendment enter into force for such a Party before six months after the date of communication by the Depositary to all Parties of the adoption of such Annex or amendment.]

5. If the adoption of an Annex or an amendment to an Annex [requires] involves an amendment to the Convention, that Annex or amendment to an Annex shall not enter into force until such time as the amendment to the Convention [has entered] enters into force.

Article 32

Right to vote

1. Except as provided for in paragraph 2, each Party to the Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 33

Depositary

The Secretary-General of the United Nations shall be the Depositary of the Convention.

PART VI

FINAL PROVISIONS

Article 34

Signature

The Convention shall be open for signature at ..... , on ....., by States Members of the United Nations or any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until ..... .

Article 35

Ratification, acceptance, approval and accession

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party to the Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

[4. In its instrument of ratification, acceptance, approval or accession, a Party may declare:

(a) that, with respect to it, additional Regional Implementation Annexes and amendments thereto shall enter into force only upon the deposit of an instrument of ratification, acceptance or approval; and

(b) if deposited after the Convention has entered into force, as to which additional Regional Implementation Annexes that have entered into force, if any, it intends to be bound.]

Article 36

Interim arrangements

The Secretariat functions referred to in Article 23 will be carried out on an interim basis by the Secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of the Parties.

Article 37

Entry into force

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the [sixtieth] [fiftieth] [fortieth] [thirtieth] instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to the Convention after the deposit of the [sixtieth] [fiftieth] [fortieth] [thirtieth] instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 38

Reservations [or exceptions]

[No reservations [or exceptions] may be made to this Convention.]

Article 39

Withdrawal

1. At any time after [two] [three] years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

[3. Withdrawal does not exempt the withdrawing Party from meeting the obligations and commitments which may have been entered into pursuant to the Convention in the implementation of projects and programmes.]

Article 40

Authentic texts

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed the present Convention.

DONE AT ..... , this ..... day of ..... one thousand nine hundred and ninety-four.